

From: Jennifer E. Frushour [mailto:jef@millerlawpc.com]
Sent: Wednesday, June 26, 2013 1:17 PM
To: Nicole Dorman
Cc: Sobol Thomas Esq.; Zamora Mark; Marc Lipton (Marc@liptonlaw.com)
Subject: Subpoena to Liberty Industries

Ms. Dorman,

Thank you for your prompt response. As Mr. Lipton stated, the PSC is more than willing to work cooperatively with Liberty to expedite production of the records Liberty intends to produce, and to meet and confer regarding any areas of concern Liberty may have, as to avoid unnecessarily burdening the court. Mr. Lipton will contact you directly to discuss any such concerns.

As far as the cost of producing the documents, I am sure Liberty can appreciate the significant concern the PSC has to investigate this matter by the most efficient and cost effective means possible. In that regard, the PSC is paying particularly close attention to the expenses incurred during the discovery process. As you are aware, as a subpoenaed third party, Liberty Industries, Inc. has an obligation under the Federal Rules to comply with the subpoena served upon it June 21, 2013. There is nothing in the Rules to suggest that a subpoenaing party has an obligation to finance a third party's compliance with a subpoena. However, the PSC *may* consider reimbursing Liberty for a portion of its cost once Liberty provides a detailed estimate of its costs to: 1) scan the five boxes of hard copy documents to a hard drive; 2) copy the CDs containing photographs; and 3) process any ESI data.

I am responsible for working out the details of the production, and look forward to doing so with an eye towards minimizing the costs to our clients, the parties, and the Court.

Please contact me to discuss this further.

Sincerely,

Jennifer E. Frushour, Esq.
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